

funding for transportation improvement projects in their local areas. I think some States must be lower than that because I think in my State it is higher than 90 percent. So some may have only 80 percent who think it is important.

Two-thirds of Americans say roads and public transit play a vitally important role in their life.

These are scientific surveys that merely confirm what I and many of my colleagues already know: If you go back to your home State and have a meeting about highway and transportation funding, you better get a big hall. I have had people come out to fill any hall that I have scheduled a meeting in to talk about it because they want to know more. They know it is important. I think this is vitally important.

I know there are some who may take a different view. Some people claim building more roads just causes more traffic. They even say you can't build your way out of traffic congestion. They are the zero sum game people, the ones who say there will just be more congestion.

Well, congestion is getting worse at a frightening pace in America. I believe the primary reason is a lack of adequate highway and public transportation capacity, not only in our major urban and suburban areas but in rural areas as well. As I have said several times, that is why we are killing people in Missouri. We don't have adequate highway transportation, particularly in rural areas.

Even as we spend more wasted time sitting in gridlocked traffic, many well-intentioned Americans, spurred on by the rhetoric of some of the extreme advocacy groups who want us all to ride bicycles—and I love to ride bicycles, but those won't get me to work and back, particularly when we have icy roads, as we do here, or when we have to take more people with us—are convinced that adding road capacity only causes more traffic congestion, more air pollution, more waste of precious fuels.

I think the answer to that is very clear: Research data from the U.S. Environmental Protection Agency, U.S. Department of Transportation, and the Texas Transportation Institute and common sense, if you and I just sit back and think about it, proves just about the opposite. The real problem is our lack of resolve to provide meaningful solutions to traffic congestion through new capital and operational investments. The failure to do so actually results in tons of unnecessary air pollution and billions of gallons of wasted motor fuel.

The Zogby poll found that 70 percent of America is facing a transportation capacity crisis, and all of these people realize we need, as a nation, the investment in transportation.

Talk about a drag on the economy, according to the Texas Transportation Urban Mobility Report, absent sub-

stantial new investments in highway and public transportation capacity, transportation operations across the Nation, the economic cost of traffic congestion in the Nation, lost productivity, wasted motor fuel will grow from about \$67.5 billion in 2000 to almost \$100 billion by 2009. That is one of the reasons we seek to have the investment. Yes, \$255 billion is a large amount. It is not all going to highways. It comes from highway user taxes, but it goes to mass transit; it goes to congestion mitigation; it goes to scenic easements, to other things that improve the environment in which we live.

If we don't make these investments, the Texas Transportation Institute forecasts that over this period the average road speed in America's 675 largest urban communities will fall from about 42.3 miles per hour to 40.3 miles per hour. If you believe, as I do, that time is money, that reduction will continue to grow what is really a hidden tax levied on American consumers as transportation labor productivity decreases and costs increase.

Another one of the problems we have with congestion is pollution. The good news, according to the U.S. Environmental Protection Agency data, is that motor vehicle emissions have declined dramatically since the 1970s, thanks in part to the developments in new automotive and motor fuels technology. Emissions of carbon monoxide are down 45 percent since 1970, volatile organic compound emissions are down 60 percent, particulate matter emissions are down 47 percent, nitrogen oxide emissions are down 5 percent, and lead emissions have been eliminated.

The bad stuff is being reduced. We are getting the bad stuff out. This remarkable environmental achievement, which is responsible for most of the air quality improvement in the United States over the past three decades, was accomplished at the same time the number of licensed motor vehicles in the United States grew 87 percent and total vehicle miles traveled soared by 125 percent. Unfortunately, traffic congestion is retarding clean air progress just as it is retarding American productivity and economic growth.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that at 3:55 today, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 457, the nomination of Mark Filip to be U.S. District Judge for the Northern District of Illinois.

I further ask unanimous consent that following 5 minutes for debate equally divided between the chairman and ranking member or their designees, the Senate proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

Mr. REID. Mr. President, reserving the right to object, I ask my friend if he would be willing to modify this. We have been asking people to come over and offer amendments. Senator DORGAN is here to offer a germane amendment. He only wants 8 minutes to speak to offer his amendment. I ask that the consent request be modified to have the pending amendment set aside and that Senator DORGAN be allowed to offer his amendment and speak for up to 8 minutes, and then we adopt the Senator's consent as indicated.

I would also say that I am not sure anybody is going to use any time on our side on the nomination anyway. I think adequate time will be preserved.

The PRESIDING OFFICER. Is there objection to the modification?

The Senator from New Hampshire.

Mr. GREGG. I would ask what the Durbin amendment does and does not do.

Mr. REID. The Dorgan amendment deals with farmers' transportation of hazardous products. I have just glanced at it. It appears there is an inordinate burden placed upon farmers to transfer a load of gas to their farms.

Mr. GREGG. What would the amendment of the Senator from North Dakota be to? Mine was a second-degree amendment, I believe.

Mr. REID. We are just laying what is pending aside. His would be a separate, independent amendment to the substitute that is now pending.

Mr. GREGG. And after his was disposed of, mine would be properly in order; is that not correct, Mr. President?

Mr. REID. That is right.

The PRESIDING OFFICER. Does the Senator from Missouri agree to the modification?

Mr. BOND. Reserving the right to object, there is some question on this side about the amendment being an amendment to the commerce title, and at this point we are not prepared to give consent to that. We want to work with the Senator who has been working in good faith, but I have been asked, since this is a matter that relates to a different section of the bill, to hold off. We can work through this if we can go with the original consent.

The PRESIDING OFFICER. Objection is heard to the modification. Is there objection to the original consent request?

The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, if I might be recognized following the vote to offer the amendment, that is fine. You may want to work on this amendment some. It is not an amendment of great moment except to family farmers who are concerned about this. I would like to be able to offer the amendment. I have been down in the capital office hearing the Senator talk about the need for people to come up and offer amendments. This is a germane amendment. I would love to offer it and be able to debate it. In any event, if we go ahead